REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the present application are respectfully requested in view of the amendments and remarks presented herewith. The present amendment is being made to facilitate prosecution of the application.

I STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 26-56 are currently pending in this application. By this paper, independent claim 26 has been amended, without prejudice. No new matter has been introduced by this amendment. Support for the amended recitations can be found throughout the specification.

The amendments as presented herein are not made for the purposes of patentability within the meaning of §§§§101, 102, 103, and 112. Rather, these amendments are made for purposes of clarity, to place the application into condition for allowance, and to round out the scope of protection to which Applicants are entitled.

II REJECTIONS UNDER 35 U.S.C. §§ 102(b) & 103(a)

Claims 26-56 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,888,915 to Denton et al. (hereinafter merely "Denton").

Claim 26 recites:

> "A textile structure made in a manner comprising the steps of:
> spiral winding machine direction (MD) yarns to form a system having a defined width; and
> depositing a pattern of cross machine direction (CD) elements onto said system of MD yarns; wherein said CD elements are formed while being deposited onto said system of MD yarns." (emphasis added)

From the Examiner's statements in the advisory action it is clear that the Examiner has not understood the meaning of the terms "spiral winding" and "depositing a pattern of CD elements". The Examiner is referring to the fabric shown in Figs. 4 and 5 of Denton and arguing that the trait of weaving i.e. yarn filaments being deposited orthogonally, encompasses spiral winding MD yarns and depositing a pattern of CD elements of the present invention. In response, Applicant would like to direct the Examiner's attention to (withdrawn) claim 22 where it succinctly explains a "spiral winding" process. Specifically, spirally winding a system of MD yarns, typically involves first and second rolls mounted horizontally and being parallel to each other turn around means positioned in parallel between the first and second rolls and in the plane defined by the top surfaces of the two rolls. The turn around herein includes a first and second row of pins; and whereby a yarn attached to a first pin at one end of the first pin row is unwound orthogonal to the rolls, initially contacting the top of the first roll and then spiraling around the bottom of the first roll, the yarn being further unwound orthogonal to the rolls so to first contact the bottom of the second roll and then spiraling around the top of the second roll, the yarn being further unwound orthogonal to the rolls and then looping around a second pin at one end of the second pin row, and the yarn being further unwound toward the second roll in a similar fashion so that the spiral winding is repeated until a system of MD yarns of a desired width is formed. *Specification*, paragraphs 26 and 27.

As to the deposition of CD elements, the specification clearly provides support wherein it recites that the CD pattern is achieved, for example, by controlling the deposition of the CD elements 40 onto the MD yarn system 42, such as by speeding up or slowing down the delivery of the polymer so to leave more or less polymer in certain areas. The specification further discloses that one of the means of creating a system of CD elements 40 is by utilizing a polymer

deposition device such as a piezo jet or jets dispensing a curable polymer in a CD direction onto and between the MD yarns 42, subsequently curing which results in a solid system of CD elements 40. *Specification*, paragraphs 23 and 31. Applicant therefore submits that Denton does not teach or disclose "spiral winding" or the "deposition of a pattern of CD elements" as recited in the instant claims.

Further in the Office Action, claims 26-35, 39-42, and 44-56 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,360,656 to Rexfelt et al. (hereinafter merely "Rexfelt").

According to the Examiner's statements with respect to Rexfelt, any woven fabric would be covered by the claimed limitation of the present invention. Applicant respectfully disagrees. The Examiner is comparing placing spiral turns in different layers at an angle or crosswise fashion in Rexfelt with "depositing a pattern of CD elements" of the present invention. Applicant submits that depositing a pattern of CD elements as explained above is creating or forming the CD elements as they are being deposited, which is done by utilizing a polymer deposition device such as a piezo jet or jets dispensing a curable polymer in a CD direction directly onto and between the MD yarns, subsequently curing which results in a solid system of CD elements. Accordingly, Applicant submits that Rexfelt does not teach or disclose forming while depositing a pattern of CD elements as claimed.

Claims 26-56 were also rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over now U.S. Patent 6,491,794 to Davenport (hereinafter merely "Davenport").

As to Davenport, merely because the warp and weft yarns of its fabric strip make an angle and do not align with the MD or CD, it cannot be said that it teaches depositing a pattern of

CD elements as recited in the instant claim. Similar to Rexfelt, Davenport also does not teach or disclose forming while depositing a pattern of CD elements as explained in the instant invention.

In view of the foregoing remarks, Applicant submits that claim 26 is patentable over the prior art cited in the Office Action and request the withdrawal of the rejections.

III. DEPENDENT CLAIMS

The other claims are dependent from claim 26, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

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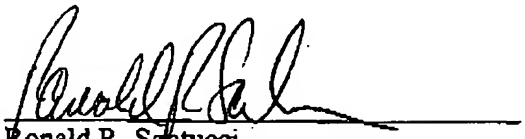
CONCLUSION

By this Amendment, this application is believed to be in condition for allowance. Favorable reconsideration of the application, withdrawal of the rejections, and prompt issuance of the Notice of Allowance are, therefore, all earnestly solicited.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP



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